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SUMMARY RECORD OF THE 32nd MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 14 April 1999, at 10 a.m.

Chairperson: Ms. ANDERSON (Ireland)

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The meeting was called to order at 10.05 a.m.

RIGHTS OF THE CHILD

Special Dialogue on Children

1. The CHAIRPERSON said that the Special Dialogue on Children would provide the Commission with an opportunity to consider an issue of central concern: how to protect children's rights effectively. The year 1999 marked the tenth anniversary of the adoption of the Convention on the Rights of Child. Although that .nstrument had achieved near-universal ratification, universal implementation was still a remote goal. The Commission must therefore seize that opportunity for dialogue and examine the challenges posed by the Convention.

2. She hoped that the debate would focus especially on those groups of children who were marginalized and excluded because they were invisible, or seen but ignored. The debate should also make it possible to examine the work being undertaken elsewhere with marginalized children, which might bear crucially on the work of the Commission.

3. The dialogue was informal, and must be interactive. It should at the same time be useful to Governments, enabling them to assess whether the Convention had been effectively integrated into their national policies; to the United Nations system, which should ask itself whether it had made rights of the child a true priority, and to non-governmental organizations (NGOs), which would have to consider whether their work was of primary benefit to those who were most vulnerable, namely, children. Lastly, questions would inevitably be raised concerning the effectiveness and scope of the Commission's work; .n particular, was it adequately addressing issues of marginalization?

4. Mrs. ROBINSON (United Nations High Commissioner for Human Rights) said that the Special Dialogue, the second of its kind held by the Commission following the previous year's discussion of the human rights of women, demonstrated the Commission's resolve to find new solutions to extremely important questions.

5. The Convention on the Rights of the Child, adopted 10 years previously, had proved to be a very effective tool for protecting the rights of children everywhere. However, in spite of the efforts of a number of United Nations bodies and specialized agencies, the outlook was bleak where respect for those rights was concerned. Children were the first victims of the economic crises that afflicted the world, and of the ensuing social dislocation and violence. They made up a significant percentage of the poor in developing and developed countries alike, and swelled the ranks of armies in many countries. There was a striking contrast between the way children actually lived and the high international standards that had been adopted for their benefit. It was to be hoped that the present discussion would enable Governments, international organs and the United Nations to make more explicit commitments in that area and to agree on methods of measuring progress.

6. Events in the world required a new focus on the rights of the child, and, in particular, the situation of those who had been marginalized by reason of their gender or because they belonged to a minority, who were victims of armed conflicts, exploited, sold into prostitution or excluded from society by extreme poverty.

7. Each of those cases constituted a violation of fundamental human rights. It was thus essential to integrate the human rights dimension into the decision-making processes of all bodies, mechanisms and procedures established by the United Nations system; no one would then be able to plead ignorance. In other words, it was of the utmost importance to assess the human rights implications of the marginalization and exclusion of children and to give fuller consideration to how the Commission, and also the Committee on the Rights of the Child and other human rights mechanisms, could effectively act to counter those phenomena. The dialogue should also provide an opportunity to consider how to transmit a sense of their responsibility for human rights to the other organs of international society and to those engaged in taking decisions at national level that affected the rights of the child.

8. Noting that one of the merits of the Convention had been its recognition of children's right to participate in decisions concerning them, she invited the Commission to reflect on the possibility of organizing a meeting, at its next session, between children from the various continents and members of the Commission.

9. Mr. SOMAVIA (Director-General of the International Labour Office - ILO) said that in international forums he had often stressed that addressing child labour was crucial for development, for social progress and for a more decent world. Child labour affected 250 million children worldwide. For millions, childhood was synonymous with economic and social marginalization and exclusion. In many regions of the world children were exploited, recruited into armed conflicts, or trafficked across borders to work as prostitutes. Such exploitation was not only cruel, but also a waste of human potential.

10. ILO surveys had shown that in some sectors up to 20 per cent of child workers were under the age of 10. The situation of the girl child was a matter for particular concern, as many of them were employed in the worst kinds of work and subjected to appalling working conditions.

11. Child labour was intrinsically linked to poverty, of which it was both a consequence and a cause. Poor families sent their children to work in order to increase household income, yet in reality child labour perpetuated poverty. Nor should it be forgotten that children were also exploited in the developed world.

12. ILO had highlighted the extremely complex nature of the phenomenon of child labour and had stressed the need to eliminate it progressively by attacking its root causes and providing lasting solutions for working children and their families. Very often, structural adjustment had resulted in cutbacks in public social services and a further informalization of the economy. Children were often the first to suffer in consequence, and every effort must be made to ensure that the necessary search for macroeconomic balance was not conducted at the expense of future generations.

13. Fortunately, world opinion had rallied to the cause, as was indicated by the universal acceptance of the Convention on the Rights of the Child and the adoption in June 1998 of the ILO Declaration on Fundamental Principles and Rights at Work, which placed the elimination of child labour at the heart of ILO's development efforts. The problem could not, however, be resolved by laws alone. Their enforcement must be backed up by socio-economic policies and programmes that attacked the underlying causes of child labour, namely, the poverty of nations, the poverty of communities and the poverty of families.

14. That was why ILO was pursuing a three-pronged approach in its campaign against child labour, involving the establishment of a body of international conventions and recommendations to serve as a guide for legislative action, technical assistance through its International Programme on the Elimination of Child Labour (IPEC), and emphasis on development as the long-term stable solution.

15. Since 1919 ILO had worked to develop international standards on child labour. The ILO Minimum Age Convention (No. 138), adopted in 1973, had been of considerable importance. Currently, the international community envisaged adopting new standards on the worst forms of child labour. Those standards, which had first been discussed at the International Labour Conference in June 1998, were to be adopted in Geneva in June 1999. The worst forms of child labour comprised slavery and slavery-like practices, child prostitution, the use of children for pornographic or other illicit activities, and all work which was likely to jeopardize their health, safety or morals.

16. The IPEC Programme, established in 1992, was the world's premier technical cooperation programme on child labour. More than 60 countries on four continents were participants, and it included more than 1,000 action programmes.

17. The third dimension of ILO's approach was development. The international community must do more and better in that area, for whenever international aid diminished, whenever the foreign debt problem was not dealt with, whenever crises and structural adjustments led to adult unemployment and protectionism persisted, children were affected.

18. There was now a chance for a decisive breakthrough in the struggle against child labour. He proposed the following measures: to establish programmes of action to progressively eliminate child labour; to adopt and quickly ratify a new convention to eliminate the worst forms of child labour, and allocate resources for that purpose; to devote special attention to the very young, and especially the girl child; to give primacy to preventive measures; to remove children from all hazardous work; to establish universal jurisdiction over crimes committed against children anywhere in the world; and to expand development capacities and promote a sustained attack against world poverty.

19. Mr. LEWIS (Deputy Executive Director, United Nations Children's Fund - UNICEF) said that perversity was a sad phenomenon of contemporary political life: it was possible to love children while totally disregarding their

greatest needs. The proposal by the High Commissioner for Human Rights, that children from all over the world should meet with members of the Commission, was in that respect an attractive one.

20. Marginalization had many facets: 12 million children under the age of 5 died annually from preventable diseases; 250 million were employed in child labour; 130 million, mostly girls, did not go to school and were exploited; 300,000 were forcibly conscripted into combat, while millions more were victims of civil conflict in Cambodia, Angola, Bosnia and Herzegovina, Somalia, Afghanistan, the Sudan, Rwanda and, most recently, Kosovo. To that litany of horror must now be added the millions of children who had died or would die of HIV/AIDS, or who would be orphaned as a result of that disease.

21. The rights of the child must become a centrepiece of every United Nations Development Assistance Framework initiative and reform proposal. The rights of the child must be considered by the Security Council on a regular basis and must be part of the training of every peacekeeping venture. The rights of the child should be on the lips of everyone from the Secretary-General of the United Nations to his most junior surrogate. A way must also be found of integrating the findings of the Committee on the Rights of the Child more fully into the policies of Governments, the work plans of the specialized agencies and the agendas of the treaty-monitoring bodies.

22. The Commission was faced with a flood of reports by special rapporteurs, special representatives, working groups and human rights defenders; but how many of them referred specifically to children? That, too, was an indication of the marginalization of children.

23. In that area as in others, political will played an essential role: it was a matter of choices. The next 10 years must be a time for implementation of the Convention on the Rights of the Child, and must mark the end of social and economic exclusion. Then and then alone would the twenty-first century belong to children.

24. Mr. TULLOCH (Director, Child and Adolescent Health and Development, World Health Organization - WHO) said that WHO echoed the call of UNICEF for States parties to honour the commitments they had made when ratifying the Convention on the Rights of the Child.

25. More than 10 million children still died each year from diseases and malnutrition, although most of those deaths could be prevented with modest resources. Adolescents were not spared: more than 1 million lost their lives each year through violence, suicide, accidents, pregnancy-related complications and preventable or treatable illnesses. Every year more than one and a half million young people became infected with HIV, and some 30 million started using tobacco, thereby jeopardizing their future health.

26. There was thus an urgent need to put the basic right of young people to health and health care more prominently on the agenda. WHO had committed itself to doing so. In its work and in its cooperation with United Nations organs it was striving to achieve a better linkage between the human rights dimension and child and adolescent health issues. To that end, it was working

with the Committee on the Rights of the Child to develop a commonly agreed set of health indicators, in order to enable States to deal more extensively with health questions in the reports they submitted to the Committee.

27. Another crucial field in which WHO could play an important role was the training of health professionals in child rights and the provision of assistance to States to enable them to bring their legislation into line with the principles of the Convention.

28. In concluding, he stressed that while the knowledge and tools to realize children's health rights were available, the large number of deaths of children each year was clear evidence of a lack of political will to guarantee those rights.

29. Ms. ASKERLÖF (Secretary-General, Save the Children (Sweden)) said that macroeconomic policies - including budgetary, monetary, trade, employment, exchange rate, debt and external aid policies - had very important direct or indirect consequences for children, although those consequences differed according to circumstances. Macroeconomic policy implications for children must thus be addressed as early and comprehensively as possible, and the rights of children must be integrated into the decision-making process in national and international forums.

30. However, despite the fact that children made up 37 per cent of the world's population, the child rights perspective was generally not visible in macroeconomic policy-making. Such policies were never child-neutral; they even tended to ignore children or to be biased in favour of adults. In order to make the links between macroeconomic policies and children's rights visible, there was an urgent need to undertake further analyses, on which decision-makers should then base themselves.

31. She called on all parties present to increase their cooperation in that area and to make constructive proposals. The mechanisms of the Commission could prove very useful in that regard, and the Commission should urge them to integrate children's rights more fully into their work. It should also prepare a report, along the lines of the one it had produced on women's rights, concerning children's rights, economic resources, the elimination of poverty and economic development, for submission at its next session.

32. Moreover, Governments should precisely ascertain the real effects of their budget allocations on children's rights and they should identify how their development aid cooperation was being used to implement the Convention. Governments should also integrate children's rights into their macroeconomic policies, a process which would often require increased cooperation between different departments. Lastly, they could play a crucial role in ensuring that the situation of children was taken into account in international bodies in which they were represented.

33. NGOs were already working, individually or in collaboration with one another and with Governments, United Nations bodies and the international financial institutions, to link macroeconomic policies and children's issues.

That cooperation needed to be intensified. The Convention on the Rights of the Child must play an essential role as a frame of reference when producing analyses, policies and decisions.

34. The CHAIRPERSON thanked the speakers for their valuable contributions and invited other participants to take the floor.

35. Mr. LABBE (Chile) said that, as Mr. Somavia had recalled in his statement, all the ills that children suffered were the result of poverty, which could only be eradicated through development. It was the responsibility of each country to ensure that development. Hence the importance of realistic, practical policies to benefit children. It was essential that the Commission should place emphasis on the concept of good governance throughout its proceedings.

36. Mr. Somavia had commented that children were affected whenever the free flow of trade was disrupted. The developing countries therefore called upon the developed countries to eliminate tariffs and other barriers to the free flow of trade, and demanded the full implementation of all the agreements concluded in the Uruguay Round of trade negotiations.

37. With regard to the draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, Chile reiterated that the concept of sale of children was not confined to the sale of children for purposes of sexual exploitation. In that respect he appealed to countries, and in particular to States Members of the European Union, to adopt a broader definition of the concept. Lastly, he welcomed the initiative taken by ILO to draft a convention to eliminate the worst forms of child labour.

38. Ms. ROTH (Germany) said that she was participating in the debate as a representative not of the Government of Germany but of that country's recently established Human Rights Committee. That Committee had set itself the task of establishing a solid basis for the effective implementation of individual rights, particularly children's rights. Before one denounced violations of those rights in other countries, one should look at violations taking place in one's own country. In Germany too, although it was one of the world's richest countries, the rights of the child were being violated: there were underprivileged and marginalized children, particularly where education and health were concerned. The task was to ensure equal opportunities of access to prosperity: to work for children was to invest in the future.

39. Referring to the situation of refugee children in Kosovo, she stressed the need to ensure that those children not only survived, but also regained their dignity, were able to attend school, and to live in a climate of tolerance, protected from hatred and violence. In concluding, she expressed the hope that the Convention would not remain a dead letter and that countries, starting with Germany, would implement it without reservations.

40. Mr. SIMKHADA (Nepal), referring to Mahatma Gandhi's remark that real change in society started with children, supported the proposal by the High Commissioner for Human Rights that the Commission should invite children to participate in its next session. Recent decades had been marked by terrible

events, but also by remarkable technical progress and a new awareness of the immensity of human potential. The conferences, summit meetings and declarations of the 1980s had constituted progressive stages in the process of combining that technical progress and immense human potential and using them to bring about a peaceful transformation of the world. It was now time to prepare for the twenty-first century, by adopting a new approach to economic and social problems.

41. Although a marked fall in infant mortality had been one of the most encouraging statistics relating to children in recent decades, that trend was in danger of being completely reversed, inter alia, by the spread of the AIDS pandemic. Not enough attention was given to that serious problem. In that connection he noted that, as the representative of UNICEF had pointed out, the resources allocated to combating diseases such as malaria, and to health care generally, remained negligible.

42. Lastly, while remarkable work was undoubtedly being done by NGOs to support children, he did not see why it should not be integrated more fully into government objectives.

43. Mr. KUNADI (India) welcomed the holistic approach that the Executive Director of UNICEF had adopted to the work of that organization. While there was a compelling need to focus on protecting children from particularly abhorrent violations of their rights, it was important not to neglect the far greater numbers of children who were deprived of the right to develop physically, mentally and socially on account of poverty, disease, illiteracy, malnutrition and other symptoms of underdevelopment. Development thus played an essential role in the promotion and protection of children's rights.

44. With regard to children affected by armed conflicts, it was important to offer them, not only after but also during conflicts, possibilities for education and training, if possible in situ, but, failing that, in safer neighbourhoods.

45. Child labour must be eradicated, but the goals pursued in that area must be realistic. In developing countries, the causes of that phenomenon - chiefly poverty and parental unemployment and illiteracy - could not be eliminated overnight, even with the best will in the world. Precipitate action in that area sometimes had worse consequences for children than failure to act. The only way forward was the progressive elimination of child labour, starting with its worst forms, while promoting development, poverty eradication and the implementation of social programmes.

46. Mr. HAMMARBERG (Special Representative of the Secretary-General on Cambodia), referring to the draft convention to eliminate the worst forms of child labour, which ILO was proposing to submit to States for approval, recommended that the instrument be drafted in such a way that all States could adopt it without difficulty. Furthermore, he made an appeal to the United States of America to give consideration to ratifying the Convention on the Rights of the Child.

47. The Committee on the Rights of the Child had taken an interesting initiative, which consisted of drawing up a checklist of measures Governments

were supposed to take. They were as follows: bringing domestic legislation into line with the provisions of the Convention on the Rights of the Child; setting in place administrative structures enabling the Convention to be effectively implemented; establishing an independent body to monitor its implementation; drawing up statistics on the situation of children; examining the impact of their decisions in budgetary terms on the situation of children; and finally making sure that a dialogue was established between donor and recipient countries on the question of how aid could be channelled so as to be of prime benefit to children. He recommended that the agencies of the United Nations, and particularly UNICEF, ILO and WHO, take the checklist into account and integrate it into their own fields of activity.

48. Lastly, he said he attached very great importance to the participation of children, so that he considered Mrs. Robinson's suggestion particularly useful.

49. Mr. BAFRUEL DE LAGENEST (Franciscans International) drew attention to the exploitation of children in Brazilian society. Child prostitution was a phenomenon that was rampant in all regions of the country. In the north of Brazil, young and adolescent girls had gold and diamond diggers for clients. Laws had been passed to put an end to paedophile tourism in hotels in the major ports of the region, but it was a practice that persisted in a more or less discreet form throughout the country. In the centre and south of Brazil, it was the street children who were the victims of sexual exploitation or were used by drug traffickers. Child disappearances were also a frequent phenomenon in Brazil. In São Paulo in the past three years only 98 of the 377 children reported missing by their parents had been found. Unfortunately the Federal Government had not yet made the struggle against child exploitation one of its priority objectives. The funds allocated to the struggle against the commercial exploitation of children and adolescents needed to be increased, and distributed under supervision to institutions attempting to deal with the situation.

50. Ms. PLUMMER (Committee of NGOs Against Racism and Racial Discrimination) pointed out that racism and xenophobia often went hand in hand with poverty, and placed children in a particularly vulnerable situation. She appealed to all States to become aware of the fact. In that regard the forthcoming World Conference on Racism, which was to take place in 2001, should devote particular attention to the manner in which racism, racial discrimination and xenophobia affected children.

51. Ms. McVEY (Canada) considered that it was right to highlight poverty when referring to the situation of the millions of marginalized children in the world. It was very important to give consideration to programmes especially aimed at taking charge of children who were unreachable by normal assistance. Turning to the spokesman for ILO, she said she would like to know what progress had been made with the organization's research on the impact of voluntary codes of conduct for business practices aimed at eliminating child labour.

52. She would also like to know whether children were vaccinated during armed conflicts. She could well imagine that in the absence of a ceasefire such a task would be difficult if not impossible.

53. Ms. DUPUY (Uruguay) said that most speakers had emphasized the role of socio-economic factors in the marginalization and exclusion to which so many children in the world were condemned. The informal dialogue which had been embarked upon had in fact once again underlined the interdependence of all human rights.

54. Uruguay attached particular importance to the right to education, and she emphasized in that regard how much education could contribute to improving the lot of girls, especially in preparing them for a better life. She gave a brief account of the progress made by her country in that area.

55. As for child labour, even if States made a moral commitment to eliminating the scourge, it was still only a gradual process. Intervention in the form of sanctions would not be the appropriate response.

56. Finally, as regards foreign debt, which had also been pinpointed as one of the direct causes of poverty, she proposed that the interest on that debt serve to finance activities aimed at improving the lot of children.

57. Mrs. ROBINSON (United Nations High Commissioner for Human Rights) considered that the check list of recommendations referred to by Mr. Hammarberg was useful.

58. Mr. LEWIS (United Nations Children's Fund), replying to an observation made by the representative of Canada, said that UNICEF had included in its programme the vaccination of children during armed conflict. In fact at that very moment in Kukes, Albania, UNICEF was undertaking a vaccination campaign. It hoped that the Congo would authorize it to do likewise.

59. He also underlined the real humanitarian catastrophe represented by the HIV/AIDS pandemic in Africa. The progress made in that region of the world in terms of child health had been completely wiped out by the pandemic, which had led to a considerable increase in infant mortality rates. By the year 2010 the disease would have made orphans of 40 million children. The contrast between the immense resources the developed countries were devoting to the struggle against the disease and the scanty means at the disposal of the developing countries was intolerable.

60. He agreed with the analysis made by previous speakers regarding the role of macroeconomic factors and foreign debt in the impoverishment of countries. They were aggravating factors, but so were the falling price of primary products for export and globalization.

61. Mr. ASSEFA BEQUELE (International Labour Organization), replying to a question by the representative of Canada, said that programmes intended to eliminate child labour had to be based on the following principles: they must be drawn up according to the specific situation of the country concerned and implemented in partnership with a number of actors; and they must be undertaken on a sustainable basis and, as the observer from the Save the Children organization had emphasized, take account of macroeconomic factors and the need to reduce poverty. Partnership played a crucial role in such programmes. If success had been achieved in Bangladesh in eliminating child labour in the textile industry, it was chiefly because it had been done in

cooperation with many partners. The efforts made in Pakistan, particularly to end the involvement of children in the manufacture of footballs, followed the same principle.

62. Mr. TULLOCH (World Health Organization), referring to what had been said about the AIDS pandemic, observed that an enormous effort must be made in the area of information. It was essential to provide children and adolescents with more information about the measures they should take to protect their health. Programmes must be devised that would meet that objective.

63. Ms. ASKERLÖF (Save the Children) acknowledged that, as some speakers had already noted, action by NGOs was sometimes limited, but their small size was also their strength, for NGOs were free. They worked directly with children. In other words, they had very concrete experience of the problem. They were aware of the links that existed between macroeconomic factors and the situation of children, and wanted to make the other actors aware of it too. In particular, they wanted to help Governments devise their policies, especially with regard to structural adjustment, taking account of the need above all to secure the well-being of children.

64. Mr. KANAVIN (Norway), referring to the suggestion by the United Nations High Commissioner for Human Rights that children and adolescents be invited to participate in the Commission's debates, said that his country was ready to follow up that idea. Considerable preparatory work would be necessary, and the question should also be asked as to whether adults were really ready to listen to children. As a young man, he had chaired a council of children's representatives and remembered from his own experience that adults all too often had a tendency to put their own interests before those of young people.

65. Ms. JAHAN (Bangladesh) said that poverty was still the principal cause of the exclusion and marginalization suffered by children in Bangladesh and other countries in the world. Hunger, lack of shelter, disease and despair were all evils rooted in poverty. Poverty also existed in rich societies. The situation was all the more depressing because the problem of poverty could be solved at a very modest cost, as both UNICEF and WHO had repeatedly stated. What was lacking was the determination to do so.

66. She also drew attention to other factors which contributed to making the lot of children worse. She mentioned in particular the decline in social values in many countries, including the developed world, violence in the media and the use of the Internet for pornographic purposes, as well as racism and racial discrimination. Lastly, there was the exploitation of child labour. In that regard, she said that Bangladesh had abolished child labour, but that her country still had a great deal to do before the situation was completely satisfactory in that area.

67. Mr. BHATTI (Pakistan) said that he was shocked by the statistics which had been provided on the situation of children in the world. In view of the increase in the mortality rates of children under the age of five, there were very few countries in some regions of the world, like sub-Sarahan Africa or south Asia, that would achieve the objectives set at the beginning of the 1990s. Although children were mankind's future, 130 million of them did not attend school. The reason for that state of affairs was poverty, which in

turn was linked to the servicing of foreign debt. Some countries were spending up to 70 per cent of their budgets to service foreign debt, as a result of which they no longer had any resources left to allocate to social services, whether education or health.

68. Mr. TABACARU (Romania), basing his remarks on the experience of his own country, said that consideration of questions relating to children must include the participation of local organizations. In particular, assistance must be given to civil organizations operating on the ground. Also, it would be worth preparing a set of indicators to monitor the situation of children.

69. Mr. HAMZA (International Human Rights Law Group) drew attention to the question of the definition of a child, in other words, of the age at which an individual was no longer considered to be a child. Countries such as Bangladesh, India, Pakistan, Uganda and the United States of America all had different legislation in that respect. That gave rise to various forms of discrimination, particularly in areas such as employment, the application of the death penalty and recruitment for armed conflict. He asked the Commission to look into the matter.

70. Ms. SCHELL (International Save the Children Alliance) said that one way of marginalizing children was not to take them into account in macroeconomic policies. She cited an ILO document in which the organization stressed that the adoption of rational macroeconomic policies was of crucial importance in improving the welfare of children. She would like to know how ILO took account of such macroeconomic policies.

71. Mr. STROHAL (Austria), noting the gap that existed between standards and practice, underlined the need to strengthen the links between the Committee on the Rights of the Child and the various bodies of the United Nations system. In 1998, Austria had supported an initiative concerning a particular aspect of the Convention on the Rights of the Child, namely juvenile justice. A coordination meeting had taken place in Vienna in which bodies of the United Nations system and other actors had participated. He wondered whether that initiative might serve as a model for following up implementation of the other provisions of the Convention.

72. Mr. HUSSAIN (Iraq) made the point that the Commission was studying the question of the lot of children in the world at a time when in Iraq more than a million children were dying every year and more than 3 million were suffering hardship because of the embargo imposed on that country. Every seven minutes an Iraqi child died because of the embargo, while others fell victim to cancers caused by the depleted uranium which the United States of America and the United Kingdom had used during the Gulf war. That situation had to be changed. He appealed to the Office of the United Nations High Commissioner for Human Rights to assume its humanitarian responsibilities. The fate of Iraqi children was deserving of its attention, as well as of the attention of the Commission on Human Rights. A decision on the part of the Commission had been anxiously awaited since 1990.

73. Mrs. RUBIN (United States of America) shared the views expressed by the United Nations High Commissioner for Human Rights and said she was convinced that the twenty-first century would belong to children. She recalled the

commitments undertaken by the United States Government, particularly in the field of education with the granting of study bursaries, in the field of health through research programmes on various diseases, and in social terms through family reunification programmes for refugee and displaced children. As for AIDS, the United States was doing a great deal of work on prevention by using the "Voice of America" to broadcast information and educational material concerning the disease.

74. Ms. DANAILOV (Observer for Switzerland) stressed the need to involve intergovernmental and non-governmental organizations, international financial institutions, multinational companies and, of course, the children themselves together in the process of implementing the Convention on the Rights of the Child, in conformity with article 12 of the Convention.

75. The development of standards was also of great importance, particularly with regard to the participation of children in armed conflict, the economic and sexual exploitation of children and child labour. Research carried out on the causes of the marginalization of children must include precise statistics based on their social, ethnic and religious origins. Finally, it was worth restating that there were indissociable links between the rights of women and the rights of children.

76. Mr. GRABER (Defence for Children International) said that the considerable progress made in the past 20 years in the area of protecting children and the recognition of the greater role they must play in society were illustrations of the international community's capacity to turn principles into reality. Hailing the suggestion made by the United Nations High Commissioner for Human Rights to the effect that children might participate in the next session of the Commission, he proposed that all the actors concerned - Governments, civil society and the private sector - should step up their activities to give effect to the measures on behalf of children envisaged by the Secretary-General of the United Nations.

77. Ms. BLOEM (World Federation of Methodist and Uniting Church Women), speaking on behalf of the NGOs participating in the Working Group on Girls, said that in many countries girls were relegated to secondary status, and that laid them open to all sorts of violence. The cause of the violence, which was increasing considerably in scale, was often cultural in origin. In that respect, the initiative taken by the Commission on the Status of Women to invite girls between the ages of 13 and 18 to describe their experiences seemed to her to be an important contribution to consideration of the question.

78. Mr. YAMAZAKI (Japan) said that while, as the United Nations High Commissioner for Human Rights had emphasized, it was important to evaluate the progress already made in the area of the rights of the child, it was just as important to define clear objectives. At the Second Tokyo International Conference on African Development, a precise objective had been set to bring infant mortality in Africa down to one third of the level it had been at in 1990. He proposed that an International Children's Day be declared, on the lines of International Women's Day.

79. Ms. VON HEIDENSTAM (Observer for Sweden) said that since financial constraints were imposing a choice of budgetary priorities in all countries, the extent to which the rights of the child were achieved depended on political will. Many studies of the marginalization and exclusion of children had shown that the problem had to be viewed simultaneously from a long-term socio-economic point of view and in the light of specific short-term issues. The Swedish Parliament had just approved a political strategy for implementing the Convention on the Rights of the Child, which included legislative, budgetary and educational components. At the international level, the objective all Governments must pursue was the preparation of the World Summit on Children in 2001.

80. Ms. GEELS (Observer for New Zealand) said that her delegation noted the proposal made by the United Nations High Commissioner for Human Rights regarding the participation of children in the next session of the Commission. She supported Mr. Hammarberg's suggestion with regard to mainstreaming implementation of the Convention of the Rights of the Child in all mechanisms of the Commission and bodies of the United Nations system. All the parties involved in the process of drawing up the draft ILO convention on eliminating the worst forms of child labour must, as had already been suggested, cooperate effectively. Lastly, Governments must show the necessary political will so that the fundamental principles contained in the Convention, namely the best interests of the child and children's right to express their views freely on all matters affecting them, could be effectively applied.

81. Ms. NAIKER (South Africa) drew the Commission's attention to the tragic fate of children with HIV/AIDS, particularly in sub-Saharan Africa, and welcomed the decision of the Committee on the Rights of the Child to include the question on its list of items to be considered as priorities. The specialized institutions, Governments and NGOs must strengthen their collaboration in order to combat the scourge, particularly by means of education campaigns in rural areas.

82. Ms. GLOVER (United Kingdom of Great Britain and Northern Ireland) said that the attention given to the economic, social and cultural rights of children must not cause one to forget the importance of their civil and political rights. Throughout the world children were victims of odious violations in armed conflicts (rape, torture and extrajudicial executions). It was absolutely essential that such situations be followed up since they did not necessarily fall within the purview of existing mechanisms. In order that the situation of children in the world should improve, all the mechanisms established by the Commission, particularly those dealing with civil and political rights, must concern themselves above all with protecting the rights of children.

83. Mr. NASCIMENTO PEDRO (Observer for Brazil) said that his country actively participated at the international level in activities to promote and protect the rights of the child. His delegation fully subscribed to the views expressed by the representative of UNICEF and to the suggestions made by the observer for the Save the Children organization. On the other hand, the Brazilian delegation deplored the fact that the observer for Franciscans International had given such an unbalanced view of the situation of children

in Brazil. Local NGOs should be heard in that kind of debate, so as to obtain an accurate picture of the situation as it really was in the countries concerned and to deal with the problems in a constructive manner.

84. Ms. MOURAVIEFF-APOSTOL (International Federation of Social Workers) underlined the fact that handicapped children undoubtedly suffered most from marginalization and social exclusion. She wished to know whether the Director-General of ILO would be prepared to consider, along with the members of his organization, the possibility of including lack of access to education - both formal and informal - as one of the worst forms of child labour. She then exhorted all members and observers of the Commission to assist families, and particularly the most disadvantaged families, in their countries, by encouraging the adoption of appropriate budgetary and macroeconomic measures.

85. Mrs. SANTOS PAIS (United Nations Children's Fund) said she hoped that the special dialogue which was drawing to a close would guide the Commission in its future work. The question of the rights of children and their implementation and follow-up must also occupy a central place in each country's programmes of action. For its part, the international community must ask itself questions as to its genuine desire not only to have children participating in certain international fora but also to take their suggestions into account in practice. Finally, consideration should be given to the specific opportunities for continuing the dialogue in the longer term, beyond the world summit on children in the year 2001.

86. Mr. ASSEFA BEQUELE (International Labour Organization) said that ILO had studied the impact of macroeconomic policies on child labour and had embarked on a dialogue with the international financial institutions, recommending that they include the abolition of child labour in the economic prescriptions they were drawing up for countries. The World Bank had already taken that recommendation into account in its programmes. As for the draft convention on eliminating the worst forms of child labour, ILO's ultimate objective was certainly to eliminate child labour in all its forms. However, the first step was to tackle abolition of the most unacceptable forms. The question of the right to education had indeed been taken into account when the draft convention had been discussed. Some participants had stated that there was a risk that including such a right would lessen the impact of the draft convention, so it had been decided to continue discussions of the subject at the next International Labour Conference.

87. Mr. TULLOCH (World Health Organization) said that WHO was endeavouring with its member States to draw up specific directives to improve the health situation of children. It was trying, in particular, to help countries develop the necessary capacities. The fight against certain diseases and the use of tobacco, which had been mentioned by one speaker, was occupying all its attention. Finally, with regard to the idea of admitting children to participate in international fora, WHO knew from experience that lengthy preparatory work would be necessary before it was fully accepted by States.

88. Ms. ASKERLÖF (Save the Children) said that in some countries acceptance of NGOs still posed problems, for reasons that were essentially political.

She thanked the Chairperson of the Commission for having organized the dialogue. Cooperation between NGOs, Governments and international organizations was vitally important.

89. The CHAIRPERSON thanked all who had taken part in the debate and singled out one of the key ideas put forward, namely the need to approach the rights of the child from the macroeconomic point of view, to evaluate the impact on children of policies implemented at international and national levels, to intensify cooperation between the mechanisms involved and to include the rights of the child in all activities of the Commission and its mechanisms.

The meeting rose at 1.20 p.m.

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COMMISSION ON HUMAN RIGHTS

Fifty-fifth session

SUMMARY RECORD OF THE 33rd MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 14 April 1999, at 3 p.m.

Chairperson: Mrs. ANDERSON (Ireland)

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GE.99-12160 (E)

The meeting was called to order at 3 p.m.

INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER PERSPECTIVE:

(a) VIOLENCE AGAINST WOMEN

(agenda item 12) (continued) (E/CN.4/1999/66, 67 and Add.1, and 68 and Add.1-4; E/CN.4/1999/NGO/8, 27, 41, 44 and 71; A/C.3/53/7 and 409; E/CN.6/1999/2)

1. Ms. TUNG (Worldview International Foundation) said that, although the military regime in Myanmar maintained that the country did not need a women's movement because women already enjoyed equal status, rape and sexual abuse of women by government soldiers and forced labour were common. Such abuses had been documented by an International Labour Organization (ILO) mission to Myanmar and by the Commission's Special Rapporteur on Myanmar. Violence against women in Myanmar was abetted by a government policy of impunity. Persons who tried to complain of rape might be beaten, tried, abused or killed. She urged the Commission to request the Special Rapporteur on violence against women to address the rights of those women who were still in Myanmar and of those who had fled to neighbouring countries. The Commission should also express its concern at the increase in violence against women there and take steps to stop it.

2. Ms. BELLAMY (International Confederation of Free Trade Unions), having commended the report of the Special Rapporteur on violence against women (E/CN.4/1999/68 and Add.1-4), said that the world economic crisis and the liberalization of market economies affected women most severely, for they were generally restricted to unskilled, underpaid and unstable jobs that endangered their health and, occasionally, their lives. Most people who worked in the informal sector, free trade zones or at home were young women. Under pressure from trade unions and non-governmental organizations (NGOs), the international community had developed instruments and legislation to combat discrimination against working women. Unfortunately, however, some unscrupulous employers continued to view women as cheap labour, with some countries going so far as to advertise their female labour forces as docile and unlikely to form unions. To combat that situation, she suggested that a new international social clause should be drawn up that would be applicable to any workplace. The application of basic labour standards should not lead the developing countries to fear for their comparative advantage but should be viewed as a means of protecting the most vulnerable workers from any form of exploitation.

3. Her organization had sought to convince the World Bank, the International Monetary Fund (IMF) and the World Trade Organization (WTO) that there could be no honest trade without labour standards. To that end it had organized various events to focus on the problems of women workers and would participate in the review of the ILO Maternity Protection Convention.

4. Trafficking in women and girls for purposes of the sex industry was a tragedy. While it was to be hoped that international police organizations could be provided with greater resources to deal with those who participated in that form of organized crime, it was ultimately the demand for such services that needed to be addressed.

5. Ms. NALTON (International Educational Development Inc.) drew attention to grave violations of women's human rights that had their basis in inadequate or biased scientific information. Many government policies and regulations promoted voluntary testing for the human immunodeficiency virus (HIV) in the hope of reducing its transmission from mother to child. In the United States of America, targets were set for testing, and states that failed to meet them would be required to impose mandatory testing of all pregnant women, a situation with frightening implications.

6. Legislation requiring mothers to administer toxic drugs or to refrain from breastfeeding in order to prevent the transmission of HIV violated women's right to make decisions regarding their own health. Removal of children from parents who failed to comply with such legislation constituted cruel, inhuman and degrading treatment. Such legislation also failed to consider established scientific information regarding the harmful nature of the drugs in question and the benefits of breastfeeding. In addition, women were often not informed of the fact that pregnancy was one of many conditions that could cause a woman to test positively for HIV antibodies.

7. Currently, immigration laws in 49 countries discriminated against persons with positive HIV test results. The international community should therefore seek clarification on the issues of the specificity of HIV testing, mother-to-child transmission, heterosexual transmission, particularly from woman to man, the causes of AIDS and the adverse effects of certain pharmaceutical treatments.

8. Ms. MIRANDA (Commission for the Defense of Human Rights in Central America) said that Central American society was eminently sexist, with a social structure that permitted violence and discrimination against women. Some 45 per cent of the female population of the region was under the age of 15 and, in all countries except Costa Rica, women bore an average of seven children. One fifth of all households were headed by women, and the unemployment rate was higher for women, who tended to work in the informal sector. The region's economic policies had led to an uneven distribution of wealth, so that poverty affected 70 per cent of the populations, particularly in rural areas.

9. She called on the Governments of the Central American countries to modify or repeal legislation that adversely affected women's rights, to incorporate the gender perspective in the administration of justice and public policy and to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. She urged all United Nations bodies to mainstream the gender perspective in their activities.

10. Ms. SMITH (International Human Rights Law Group) having commended the Special Rapporteur on violence against women on the report on her mission to the United States of America (E/CN.4/1999/68/Add.2) said that women were the fastest growing sector of the United States prison population, with most of them serving sentences for non-violent drug offences. Women prisoners were disproportionately of African-American and Hispanic origin. They often lost custody of their children and government benefits, yet they received little training and were poorly remunerated for the work they did in prison. Women's

health suffered in United States prisons and the treatment of pregnant women, especially during labour and delivery, raised not only health concerns but also concerns about their dignity and human rights.

11. The many physical and mental health problems that characterized the female prison population put those women at high risk of sexual abuse. The inherent imbalance of power between prisoners and their custodians made it clear that sexual contact under those conditions was not consensual. Efforts to investigate such problems should focus on the abuse of power by prison staff and the State rather than on the conduct of the prisoners. It was disturbing that the Department of Justice had failed to allocate any resources from its office which dealt with violence against women to address violence in prisons.

12. It was clear from the Special Rapporteur's report that the United States violated basic standards for the treatment of prisoners, and she urged the Commission to ensure that the text of its draft resolution on violence included State-sanctioned violence and recognized that women did not lose their human rights simply because they had committed offences.

13. Ms. BUNCH (International Women's Tribune Centre), having welcomed the inclusion of the new agenda item as a sign of the Commission's commitment to integrating the gender perspective in its deliberations, said that women's NGOs must have greater access to the United Nations human rights system so that information about violations of women's rights could be more widely disseminated. Unfortunately, women's groups were not always recognized as being active in the area of human rights and were thus overlooked by experts gathering information on the situation in a particular country.

14. She was pleased to note that a number of special rapporteurs had begun to reflect an awareness of gender in their reports to the Commission at its current session. She endorsed the recent suggestion that a gender analysis should be undertaken of the work of the Commission, since that would constitute a useful contribution to the forthcoming special session of the General Assembly. In that connection, she hoped that the Office of the High Commissioner for Human Rights would play an active role in the review of the Beijing Platform for Action as a rights-based document.

15. She commended the Special Rapporteur on violence against women and the Special Rapporteur on extrajudicial, summary and arbitrary executions for drawing attention to the often neglected area of human rights violations based on sexual orientation and identity. The silence that often surrounded that issue in human rights deliberations and the impunity enjoyed by the perpetrators of such violations undermined the rule of law and the principles on which all human rights were based. The Special Rapporteur's report on policies and practices that impacted women's reproductive rights and contributed to, caused or constituted violence against women (E/CN.4/1999/68/Add.4) also explored issues that deserved greater Commission attention.

16. Ms. SCHOLZ (Society for Threatened Peoples) condemned the riots in Indonesia in May 1998 during which more than 1,000 women, including a number of ethnic Chinese women, had been the target of violence and gang rape. It

was suspected that many more victims had not dared to report their rape. It was also thought that those women had been victims of systematic terror that had been planned by certain radical groups, possibly within the military, for political ends.

17. The police and military had taken no action to quell that violence, and the Government had subsequently cast doubt on the reports of rape. She therefore appealed to the Commission to urge the Indonesian Government to ensure that the perpetrators of the rapes were punished and to acknowledge that the intentional mass rape of members of an ethnic minority was a crime of genocide.

18. Mr. NABI FAI (International Islamic Federation of Students Organizations) said that the ongoing disturbances in Kashmir had significantly altered the lives of the women and children there. The entire concept of childhood had been radically revised as children lived in an atmosphere of terror and anxiety. Education had come to a standstill with the killing of teachers and the destruction of the educational infrastructure. Yet the women of Kashmir continued to have confidence in the United Nations, even though the Organization's inaction, had given the occupying authority a sense of impunity.

19. Mr. KAUL (Himalayan Research and Cultural Foundation) said that, in the attempts by Islamic terrorists and mercenaries to drag the Indian State of Jammu and Kashmir back to the middle ages, the main targets were the women and girls of Kashmir, who had been compelled to wear veils, discouraged from attending school and forced to marry terrorists against their will. Rape, torture and killings were common. Women had been forced to serve as sex objects in terrorist training camps, causing them to have frequent recourse to abortion. The increased incidence of violence against women had forced thousands of Kashmiri Muslim families to leave the region, while the number of widows in Kashmir had increased significantly. The international community should take appropriate steps to save those women from the indignities and miseries to which they were subjected.

20. Ms. UPRIMNY (Andean Commission of Jurists) said that, in the Andean region, cultural stereotypes subordinated women to men, and economic factors meant that they had to go out to work at a very early age rather than to school. Their participation in public life was not proportionate to their number and in order to increase their political participation affirmative action, such as the electoral quotas applied in Peru and Venezuela, should become part of an integrated policy.

21. With the entry into force in January 1999 of a law on violence against women and the family in Venezuela, all the countries of the Andean region possessed specific legislation protecting women against violence. However, there was still very few complaints because of lack of awareness, fear and the widespread belief that domestic abuse was a family matter. In order to bring about the genuine elimination of violence against women, it was necessary to implement complementary measures, such as police stations for women, shelters and teams to work on violence in the family. It was also essential to provide material and psychological support for women who had been victims of violence.

22. Turning to sexual violence, she said that the parliaments in Bolivia and Peru were discussing legislative amendments to make the rape of adults a public criminal act rather than a private one. A recent amendment to the Criminal Code in Ecuador had made sexual harassment an offence, and the Peruvian parliament was discussing an amendment to the law regarding sexual harassment in the workplace.

23. Without changes in cultural patterns and greater investment in education and health services, women would have no real opportunity to compete on equal terms with men in the labour market. As for international action, she called on Governments to give favourable consideration to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, so that the corresponding Committee would be able to receive individual complaints.

24. Ms. HANI (International Association of Democratic Lawyers) said that, in the Islamic Republic of Iran, gender discrimination and suppression of women continued unabated and had been legalized. The Commission's Special Rapporteur on the situation of human rights in the Islamic Republic of Iran had reported harassment of young women, stricter dress code requirements for women, and the compulsory segregation of health-care services. Women travelling in trains without a male companion were to have separate compartments set aside for them and, in some Iranian cities, parks were being designated for the exclusive use of women. The Special Rapporteur had also reported that violence against women within the family appeared to be gaining prominence, with frequent stories in the press of horrifying cases of wife abuse. The situation was made worse by discriminatory court sentences depending on whether the victim was a woman or a man.

25. The Ministry of Education of the Islamic Republic of Iran had issued a directive on 4 April 1999, announcing that women teachers were banned from teaching boys older than 10, and that teachers were not allowed to teach students of the opposite sex in language classes.

26. In February 1998, the Supreme Council for Cultural Revolution had opposed Iran's adherence to the Convention on the Elimination of All Forms of Discrimination against Women, and a press law passed in May 1998 had stated that it was a punishable offence to create conflict between men and women by defending women's rights "outside religious and legal standards".

27. She then quoted from a number of articles of Iranian law to the effect that the President of the country had to be a man, that judges were elected from among men, that the husband was the head of the household, that he could divorce his wife whenever he chose to, that he had the right to prevent her from engaging in a profession which went against the interests of the family or the man's pride, and that if she refrained from "delivering her nuptial duties" without legitimate reason she did not deserve to receive food, accommodation or clothing.

28. She thus called upon the Commission to condemn the Islamic Republic of Iran for its gender-based policies in a resolution couched in the strongest possible terms.

29. Mr. YOSHIDA (Asian Women's Human Rights Council) called upon Governments and NGOs to do their utmost to ensure that the Government of Japan accepted and implemented the recommendations contained in the appendix to the McDougall report (E/CN.4/Sub.2/1998/13), and passed legislation to provide individual compensation to the former "comfort women". The Government of Japan had not so far acknowledged that the issue of "comfort women" was a war crime committed by the State, had rejected the appendix in question on the grounds that it could not accept its legal interpretations, and had stated that the Sub-Commission was not a forum to discuss or make decisions on liability and specific legal issues.

30. Ms. SCHOLZ (Human Rights Advocates) said that women comprised the majority of the 50,000 people who died in the world every day because of complications due to a lack of adequate housing. Women in unstable and inadequate housing conditions were virtual prisoners when it came to domestic violence, for they had nowhere else to go. There was a clear causal relationship between violence against women and violation of the right to adequate housing.

31. Nowhere was that relationship more apparent than in the United States of America, where between 50 and 60 per cent of all homeless women were homeless because they were escaping from an abusive relationship. The problem existed throughout the world and women had particular difficulty in escaping from domestic abuse in countries where they did not have any property rights.

32. Her organization strongly supported the Sub-Commission's request to the Special Rapporteur on violence against women, to examine the link between violence and the lack of adequate housing, and called upon the Commission to reiterate that request and urge the various States to acknowledge and analyse the correlation.

33. Governments must no longer view domestic violence as an acceptable part of private family life but should enact laws to punish batterers by evicting them, rather than the abused, from the family home. Shelters and services should be established for the immediate care of battered women, and policies should be implemented so that women could acquire property and security of tenure, thereby eliminating discrimination in housing.

34. Ms. TRIMECHE (National Union of Tunisian Women) said that greater awareness of women's rights was required. An international plan should be drawn up and adopted by the United Nations to publish women's rights and to establish mechanisms to ensure that they were enjoyed. There should be genuine equality between the sexes, particularly in the labour market and in decision-making. Adoption of the principle of equal opportunity, however, would not in itself lead to the elimination of discrimination, and she called upon all governments to adopt not only legislation but also the necessary implementing mechanisms.

35. In coping with the results of globalization, women's rights had not been sufficiently borne in mind, and had not been treated as a matter of priority at the national level and she called for greater solidarity between women in the North and the South, and for all countries to establish cooperation based on reciprocal respect and greater mutual understanding.

36. Ms. MARWAH (International Institute for Non-aligned Studies) said that 70 per cent of the people living in poverty were women. They constituted the majority of the world's illiterates, played only a very limited part in economic and political decision-making, occupying only 10 per cent of parliamentary seats and making up less than 5 per cent of the world's heads of States, and in many countries were not treated as the equals of men in property rights, inheritance rights, marriage and divorce laws, or in the right to acquire nationality, manage property or seek employment.

37. As a result of globalization and the introduction of free markets, women in developing countries were required to add to the family income without being given any relief from their traditional responsibilities of running the home. It was important not to be deceived into thinking that modernization, the spread of education and increased job opportunities for women would of themselves end their exploitation. For that purpose, intensive efforts were required at all levels, and especially with regard to the dissemination of information and creation of awareness.

38. Ms. SHAIMIAN (International Institute for Peace) said that, every nine seconds, a woman was physically abused by her intimate partner, but that, even in an advanced country like the United States of America, only one in a hundred ever reported the abuse suffered. In developing countries, where women had less access than men to education, health care and food and were grossly underrepresented politically, they suffered a high level of domestic violence due to the widespread patriarchal system.

39. In Pakistan, women were the most oppressed section of society, and nowhere more so than in the feudal and tribal social systems in which hundreds of women were killed every year in the name of honour. Although Pakistan had twice had female Prime Ministers, the status of women in the country had hardly improved: only 13.5 per cent of Pakistani women were economically active, while the female literacy rate stood at 8 per cent. More than 300 cases of wife beating had been reported from the cities of Rawalpindi and Islamabad alone in 1997, and more than 300 deaths by "stove burning" had proved to be deliberate, most of the victims being young married women and most cases being reported neither by the police nor by the hospitals.

40. Ms. MALONI (Afro-Asian People's Solidarity Organization) said it was necessary to look no further than Afghanistan to see how an entire society could reduce its women to captivity without chains. The Taliban had not only removed women from every field of economic activity but had made sure that the future generations of women remained ignorant. In most countries there were legal processes to protect women and enable them to seek redress, but what could they do in Afghanistan, where the law itself declared that they were inferior to men. Even Pakistan, a democracy, enacted legislation reducing the status of women to second-class citizens, and allowing the primitive tribal custom of honour killings to continue.

41. In poor countries, economic factors drove families to sell their children into prostitution, while the developed countries were flooded with so-called "girlie magazines".

42. Women's organizations should undertake studies of the impact of terrorism on the mothers of child soldiers. It was amazing that the ideologues of such terrorist groups had no qualms about sending children to their deaths in the name of a cause they did not even understand, yet themselves clamoured for treatment in the world's best hospitals whenever they were unwell.

43. Ms. KRISNAWATY (Third World Movement Against Exploitation of Women) said that hundreds of people had died in ethnic violence in Indonesia even during the Commission's current session. Great suffering had been caused to women as mothers and wives of the victims and as victims themselves. Dozens of women had been sexually assaulted in the former military operation zones, despite categorical denials from the military. Many more had been subjected to violence in the home because of the increased anxieties generated by the economic crisis. Women also experienced physical and mental problems, as well as material losses, in areas of Indonesia where large-scale violence had occurred.

44. Indonesia had ratified the Convention on the Elimination of All Forms of Discrimination Against Women, but its implementation had been very poor. The Indonesian legal system regarded women as second-class citizens. Her organization thus urged the Commission to put pressure on the Government of Indonesia to take full responsibility for all cases of violence against women, to deal with its consequences and to prevent its recurrence. The Commission should monitor implementation of all the recommendations made by the Special Rapporteur on violence against women in her report (E/CN.4/1999/68/Add.3), especially with regard to the establishment of a Victims and Witness Protection Programme, serious prosecution of the perpetrators and the withdrawal of the military from the civil and political realm.

45. Mrs. ARIFIN (Asian Legal Resource Centre) said that the Indonesian province of Aceh had been declared a Military Operation Zone from 1989 to 1998. During that period, as noted by the Special Rapporteur on violence against women in her report (E/CN.4/1999/68/Add.3), sexual harassment, rape and other forms of violence against women had been used as an instrument of torture and intimidation by certain elements in the military. The women had suffered trauma and were still intimidated by the military.

46. The Commission should urge the Government of Indonesia to take full responsibility for the outrages, to bring the perpetrators to justice and to rehabilitate the victims. It should also monitor compliance with the Special Rapporteur's recommendations, especially concerning the establishment of a witness protection programme and the withdrawal of the military from civil and political affairs.

47. Mrs. YEBLO (Netherlands Organization for International Development Cooperation) said that Irian Jaya/West Papua had been incorporated into Indonesia in 1963. Since then, the Indonesian Government's multinational mining, forestry and plantation development programmes had resulted in impoverishment, pollution and oppression for the people of the territory. Security measures had deprived them of freedom of expression and association. Indigenous women had been subjected to coercive family planning, rape and other sexual violence. The National Human Rights Commission had documented the atrocities committed by the Indonesian military. The Special Rapporteur

on violence against women had not been allowed to visit Irian Jaya, but she had confirmed that testimony from victims indicated that sexual violence against women had been committed by the security apparatus. She urged the Commission to bring pressure to bear on the Government of Indonesia to allow the Special Rapporteur to visit the territory.

48. Mr. LITTMAN (Association for World Education) said that the term "traditional or customary practices" was a shameful euphemism for the crime of female genital mutilation, which was performed on over one million girls and women every year. There was no religious justification for such practices, which predated Islam. Female genital mutilation had spread through emigration to Europe and the United States, where court cases and harsh sanctions had brought it to public attention.

49. Côte d'Ivoire, Egypt, Ethiopia, Ghana, Burkina Faso, Djibouti, Guinea, Togo and the United Republic of Tanzania had legislated against female genital mutilation, while draft legislation had been tabled in Uganda and lobbying had begun in Nigeria. A 1946 Sudanese law prohibiting infibulation had never been enforced and that extreme form of female genital mutilation was still performed on 82 per cent of Sudanese women.

50. Awareness-raising programmes, especially in rural areas, were necessary for both men and women. His organization thus urged the Commission to adopt draft decision 3 proposed by the Sub-Commission on Prevention of Discrimination and Protection of Minorities and entitled "Traditional practices affecting the health of women and the girl child" (E/CN.4/1999/4).

51. Ms. DIOP (African Commission of Health and Human Rights Promoters) said that there were some 6 million refugees and some 15 million internally displaced persons in Africa alone. Women and children in conflict areas were often deliberately targeted by belligerents. Recent conflicts in Africa, particularly in Sierra Leone, had been characterized by widespread atrocities against civilians and the use of child soldiers. The country had relapsed into violence, women's movements had been dispersed and mass population displacements had occurred. Women's Forum, the umbrella organization for women's NGOs in the country, had taken action on behalf of the women who had suffered rape, amputation and beatings, whose families had been killed or whose children had been abducted. She urged the Commission to take the necessary steps to promote a peaceful future in Sierra Leone and throughout Africa.

52. Ms. SHIN (Asia Pacific Forum on Women, Law and Development) said that the Special Rapporteur on violence against women had published some excellent reports, not only describing the atrocities committed against women but exploring their causes and consequences and giving recommendations to the United Nations, to national Governments and to NGOs. Her work and that of the other special rapporteurs was invaluable.

53. It was vital, however, that Governments should accept and implement the measures recommended and the Commission should use them to do so. For example, the Special Rapporteur on violence against women had recommended in an earlier report (E/CN.4/1996/53/Add.1) that Japan should accept legal responsibility for military sexual slavery in wartime, pay compensation to

individual victims, ensure full disclosure of documents, make a public apology, amend education curricula and punish the perpetrators. Likewise, the Sub-Commission's Special Rapporteur on systematic rape, sexual slavery and slavery-like practices during armed conflict had concluded in her report (E/CN.4/Sub.2/1998/13) that the Japanese Government was legally liable for grave violations of human rights and humanitarian law during the Second World War. The Government of Japan had, however, ignored their recommendations.

54. Ms. MIR (International Peace Bureau) said that systematic rape and sexual abuse of women in Bosnia and Herzegovina had occurred as part of an ethnic cleansing campaign. The situation of women in Kosovo was reminiscent of that scenario. Women and girls in Indian-occupied Jammu and Kashmir were humiliated and terrorized by Indian military and paramilitary forces. The objective in all three cases was to shame the targeted community into silence.

55. In India, low-caste Dalit (untouchable) women and girls were frequently subjected to sexual abuse by middle- and high-caste groups and Hindu fundamentalist groups had been guilty of systematic violence against women who had converted to Christianity. Women were also the prime targets in communal violence against Muslim, Christian or Sikh minorities. Social practices such as dowry deaths, bride-burning and female infanticide persisted and domestic violence frequently resulted in "honour killings".

56. Cases of violence against women were seldom prosecuted. Indeed Indian police and State agencies had often abetted the violence, particularly in the context of caste or communal strife. In many cases, women had been raped and tortured in police custody. Her organization urged the Special Rapporteur on violence against women to visit India and make specific recommendations to its Government.

57. Ms. PEREIRA (Federation of Cuban Women) said that the ideals of justice and social change in Cuba were inextricably bound up with the ideals of national independence and defence of the economy. Cuban women were firmly committed to a social project that involved them as prime actors in the shaping of their destiny. Determined action would be taken in the next century to achieve full equality for women in the family and society and equal access to high office. While fighting for equality, Cuban women had also participated in the struggle against the economic, commercial and financial blockade imposed on the country for over 30 years by the most powerful State on earth.

58. Ms. ZHANG Ying (All-China Women's Federation) said that her organization ran information and education campaigns on laws and regulations that had a bearing on women's rights and interests such as the Labour Law, the Law on Compulsory Education and the Inheritance Law. It monitored law enforcement and the drafting of legislation and had been instrumental in having the Law on the Protection of Women's Rights and Interests enacted. It also provided legal counselling to women victims of violence and operated hotlines for women with queries concerning their rights.

59. Its publications exposed and condemned acts of violence against women and helped to ensure that the perpetrators were punished. Steps were taken to prevent domestic violence and to promote stable family relations and a healthy

social environment. Literacy, education and training programmes for women and poverty alleviation programmes had been launched. School-age girls, especially in rural areas, were given access to schooling and training programmes. A total of 740,000 persons had been assisted over the past 10 years.

60. Ms. EXPOSTO (Asian Buddhist Conference for Peace) said that, since 1975, the Indonesian State had sanctioned violations against East Timorese women including rape and other forms of sexual violence, forced marriages, the use of women as sex slaves and forced prostitution. Bishop Ximenes Belo, the Nobel Peace Laureate, had denounced the coercive family planning programme and the forced sterilization of Timorese girls and women.

61. Having reported specific cases of murder and rape that had occurred since the fall of the Suharto Government, during the period of so-called democratization, she said that the Special Rapporteur on violence against women stressed in her report (E/CN.4/1999/68/Add.3) that rape continued in East Timor and that members of the Indonesian military continued to use violence against women with impunity. The policy of the Indonesian authorities was to intimidate the victims and their families in order to prevent them from reporting the crimes. She urged the Indonesian Government to comply with the Special Rapporteur's recommendations, particularly that concerning human rights monitoring in East Timor by international human rights organizations.

62. Although Indonesian laws were adequate in respect of violence against women, implementation mechanisms were lacking. When crimes such as rape were reported, the investigations were conducted in such a way as to shame the woman and lead her to believe she was at fault.

63. Ms. STOTHARD (Aliran Kesedaran Negara National Consciousness Movement) said that, in times of crisis and conflict, women were targeted for sexual violence as a means of demoralizing their communities. The economic and social advancement of women was particularly difficult under military dictatorships. Widespread violence against women in Myanmar had been well documented. Women Members of Parliament had been forced to resign and had been detained. A prominent woman labour leader was serving a 25-year prison sentence for giving a telephone interview to the British Broadcasting Corporation (BBC). There were also some 100 women prisoners of conscience. The democracy leader, Aung San Suu Kyi, continued to suffer severe restrictions on her movements and communications with colleagues and family members. She had even been prevented from speaking to her dying husband on the telephone.

64. The military should immediately cease its aggression in the ethnic areas of Myanmar and end its policy of supporting violence against women. She feared that the general acceptance of violence in the community had led to increased domestic violence. The regime should release all political prisoners, including women, reopen the universities and colleges, divert expenditure from the army into health and education, commence genuine dialogue with the elected Government, convene Parliament and allow the development of independent women's organizations and NGOs. She counted on the support of the States Members of the United Nations to promote those objectives.

65. Ms. MUNSHI (European Union of Public Relations) said that, in tribal societies, men and women shared the burden of existence in equal measure. Some societies, indeed, were matriarchal. Yet economic imperatives in some countries and a deliberate perversion of religion in others had prevented women from realizing their full potential. The women of Pakistan had much to fear if the Taliban returned and sought to impose a regime like that in Afghanistan. In Japan, women were only just beginning to assert themselves in the workplace against entrenched prejudices. Women politicians there were still fighting, as in India, for fair representation in the political process. Nonetheless, women had been in the forefront of the struggle against those who would usurp the rights of individuals.

66. Awareness was the key to freedom. A veiled woman working in the home, if she was aware of her identity and rights, could be as free as any woman in the workplace; but such awareness came from education and it was astounding that some rich societies placed so many restraints on women. The denial of female sexuality, as manifested in the practice of female circumcision, seemed absurd in view of the fact that male-dominated societies revered women only as sexual creatures. Women must be allowed to be educated and to fulfil their potential.

67. Ms. FERNANDO (Franciscans International) said that, in many parts of the world, the illiteracy rate among women was higher than among men and in some cultures, it was still argued that education for girls and women was unnecessary. Such attitudes had lost any historical relevance that they might once have had.

68. Globalization compounded the problem: poor families often had to choose which of their children should be educated, and the choice was usually the boy. The structural adjustment programmes enforced by the international financial institutions continued to deprive many a girl of her right to education. The arms trade and consequent wars were also responsible for the growing illiteracy among women, since 80 per cent of the world's refugees were women and children.

69. Many Governments still failed to reform laws and practices that discriminated against women. Some openly challenged the notion that universal human rights extended to women. The Taliban confined women to their homes and cut off their access to education and health care. Silence in the face of such human rights abuse was itself a form of violence. She proposed, therefore, the establishment of an international day for the education of the girl child in the hope that it might contribute to the coming of a world in which all rights were for all people.

70. Ms. ARIF (Interfaith International) said that men in many societies were concerned not about the suffering caused by violence against women but about who caused it. In the Middle East, parts of South Asia and parts of Africa, "honour killings" - which had nothing to do with morality or a woman's virtue - were punished with sentences of up to two years in prison rather than the normal life sentence for murder. In Algeria, innocent civilians, including women and children, were killed by death squads in the name of Islam. Women in the Sudan faced daily atrocities as a result of the war:

they were killed, starved to death or enslaved. Their rights were severely curtailed in every sphere of life and they risked flogging if they did not comply with the so-called Muslim dress codes.

71. Female genital mutilation, which was practised within a large area stretching from the Red Sea to the Atlantic Coast, was the most vicious form of violence against women. The effects were irreversible and caused a lifetime of physical and mental suffering. The victim was denied her full sexual potential: that, of course, was its purpose.

72. In the United States of America abuse was committed in 25 to 35 per cent of homes and 4,000 women died from such domestic violence every year. A woman was raped every two minutes. Violence against women would be eradicated only if masculine behaviour could be changed.

73. Ms. BATHA (Freedom House) said that, in Pakistan, the evidence of a Christian woman was valued at one quarter that of a Muslim man and her value in compensatory damages in a murder case was one eighth. Moreover, her evidence was not admissible in cases filed under the Shariah, although she was subject to its jurisdiction. Four male witnesses were required for rape to be proved. If that was not possible, the victim could face a charge of adultery under the Hadood Ordinance. Over 75 per cent of rape victims suffered such a fate. The Government of Pakistan should uphold the constitutional guarantees of equality before the law, abolish the Hadood Ordinance, ensure the integrity of the system of registering marriages and expand the system of women's police stations and safe houses.

74. Her organization was concerned at the disturbing practice in Egypt of abducting young Christian women for conversion to Islam. Financial incentives could be offered or the women were compromised. They were raped and forced to convert, whereupon they had no legal recourse. In extreme cases, women had been murdered for refusing to convert. The Egyptian authorities should condemn such practices, take steps to protect the right to freedom of religion, introduce a programme of education to encourage respect for religious minorities and the rights of women and undertake a full investigation of all such crimes.

75. Severe human rights violations were committed in China in pursuit of the one-child policy. Reports were regularly received of forced terminations, even in the eighth or ninth month of pregnancy, and of forced sterilization. Draconian measures were used to enforce the policy. The Commission should prevail on the Government of China to put an end to such serious abuses.

76. Mr. SISSON (International Fellowship of Reconciliation) said he noted that the Japanese Government had acknowledged its moral but not its legal responsibility for the military sexual slavery, in violation of international law, sponsored by the Imperial Government during the Second World War and he also noted that several of the United Nations thematic mechanisms did not agree with that assessment. In a related development, the ILO Committee of Experts on the Application of Conventions and Recommendations had confirmed that military sexual slavery constituted a violation of the Forced Labour Convention, 1930 (No. 29), which the Government of Japan had signed in 1932 and had urged the Government to assume its legal responsibilities in that

regard. It had also addressed, in that connection, the issue of the massive wartime conscription of labour from China and Korea to work for private industry in Japan in deplorable conditions.

77. He thus called upon the Commission to adopt draft resolution 4, recommended to it by the Sub-Commission, and explore the possibility of setting up an international truth and reconciliation commission to implement the recommendations contained in the report of the Sub-Commission's Special Rapporteur on systematic rape, sexual slavery and slavery-like practices during armed combat (E/CN.4/Sub.2/1998/13).

78. Ms. OSERMEN (Inter-African Committee on Traditional Practices Affecting the Health of Women and Children) said that violence against women was the reflection of a value system that maintained the patriarchal power structure within which women were subjugated and abused on a monumental scale. One example was the customary practice of female genital mutilation. In her own country, Nigeria, 40.5 per cent of women had been thus mutilated. In addition, early marriage, widowhood rites and nutritional taboos were practised. Her Committee's eradication strategy included providing education and information for opinion leaders, social workers, and women leaders, through workshops and seminars as well as organizing symposiums for legislators and religious leaders. Negotiations were in progress with the Organization of African Unity (OAU) to strengthen the 1998 Addis Ababa Declaration on Violence Against Women, and with United Nations bodies and delegates.

79. Some headway had been made. A number of African countries had adopted legislative measures against female genital mutilation, while the Secretary-General's report (A/53/354) showed the extent of the problem and the progress made in tackling it. Serious consideration should be given to implementing his conclusions. It was not only legislation that needed to be changed, however, but also social attitudes. In that connection, immigrants into France and other Western countries should, on arrival, be informed about their status and the implications of some of their customary practices. A holistic approach was required.

80. Mr. KAZMI (Al-Khoei Foundation) said that, in Afghanistan, Islamic rulings were erroneously used to justify violations of women's rights. While traditional social practices were not intrinsically inimical to respect for human rights, the Taliban's approach ran counter to the true spirit of Islam. There were 40,000 widows in Kabul, who led a life of daily humiliation. Arbitrary beatings were commonplace and the incidence of rape was high. They were denied the right to work and thus to an independent income, to health care and to education. There was an urgent need for humanitarian assistance to minimize the damage done to a generation of Afghan women, both in Afghanistan and in Pakistan, where growing evidence suggested that the subjugation of Afghan women refugees continued.

81. With regard to the situation in Kosovo, the use of rape as an instrument of war had been well documented during the conflict in Bosnia. There was no reason to suppose that the Serbian authorities had changed their attitudes. There was therefore every reason to be concerned about the plight of ethnic Albanian women. Again, there were implications for the longer term: the

women's suffering would not end with the conflict. Rehabilitation and specialist support should be made immediately available and those responsible should be punished.

82. Ms. PARKER (Women's International League for Peace and Freedom) said she was gravely concerned about the widespread and systematic rape of ethnic Chinese women in Indonesia during the riots of May 1998. The evidence suggested that they had been specifically targeted and that the police had been involved. She also drew attention to the women of the Pacific who had been subjected to the effects of nuclear testing. The Special Rapporteurs on illicit movement and dumping of toxic waste and on violence against women, its causes and consequences, should determine the impact of nuclear radiation on such women, and particularly on their reproductive rights.

83. Monitoring was an essential tool in promoting human rights. Her organization had been monitoring the degree of gender integration evidenced during the past two sessions of the Commission. It was alarming that, in 1998, 55 per cent of the speakers had made no reference to women; the figure to date for the current session was 78 per cent. The debate on the forthcoming World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance had shown even less gender awareness. A gender perspective must be included in the planning, as well as in the Conference itself. The High Commissioner for Human Rights should make gender awareness training available to all participants in the Commission, including the interpreters.

84. Ms. CAMACHO (Indian Movement "Tupaj Amaru") said that globalization and structural adjustment programmes produced social inequalities affecting women, in particular, exploiting them as workers and as sexual objects. Engaged mostly in menial work, they were often forced to emigrate and work abroad, often as illegal immigrants, in terrible working conditions and insecurity, or as prostitutes. Girls were most likely deprived of schooling and illiteracy was a serious educational problem in developing countries, in which more than 50 per cent of women were illiterate, a figure that rose to 90 per cent for those over 50. Women also bore the brunt of cuts in spending on social welfare and suffered most from the effects of unemployment. Moreover, with their low wage rates, they were blamed for male unemployment and reduced male wages.

85. Indigenous women were on the bottom rung of the social, economic and cultural ladder. Many lived in extreme poverty as a result of the flight from the land. It was imperative that real alternatives should be found for the oppression suffered by women. Their role must undergo a complete transformation to meet the economic, political and social development needs of the next millenium.

86. Millions of women and children also suffered the consequences of wars promoted by the arms industry. Bombs were currently falling on innocent women and children in the Federal Republic of Yugoslavia. Her organization condemned the military aggression by the North Atlantic Treaty Organization (NATO) against a sovereign State and called for its unconditional cessation.

The meeting rose at 6 p.m.